

**Senate Environment, Conservation and Tourism Committee Amendment**

**Amendment No. 1 to SB2958**

**Ramsey**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2958\***

**House Bill No. 2998**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by adding the following language as a new, appropriately designated section:

(a) The General Assembly recognizes the acute need for environmentally safe and economically feasible on-site wastewater disposal systems for locations with marginal soil resources and further recognizes the potential for development of numerous satisfactory designs. Therefore, the department of environment and conservation is hereby charged to continually strive to identify and/or develop design and operating criteria for systems that have potential for functioning properly on sites with limited soil depth above a limiting horizon (e.g., fragipan, perched water table, rock) and is authorized to permit the installation of Advanced Treatment Systems (ATS).

(b) Advanced Treatment Systems (ATS) shall be allowed in Tennessee where acceptable site conditions exist. However, such units must meet or exceed the following minimum standards:

(1) ATS certified to American National Standard/National Sanitation Foundation (ANSI/NSF) Standard 40 shall be approved and shall have a NSF listing showing compliance with ANSI/NSF Standard 40. A technician certified by the manufacturer shall install or directly supervise the installation of the ATS.

(2) ATS which do not have ANSI/NSF Standard 40 certification and listing, but are proposed for use, shall be subject to the following:

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(i) A technician certified by the manufacturer shall install or directly supervise the installation of the ATS; or

(ii) The manufacturer and/or the installer of each installation shall provide to the department documentation for two (2) years following installation that the unit is producing effluent meeting secondary treatment guidelines, as established by the U. S. Environmental Protection Agency. During this two-year operation period, the effluent quality shall be tested quarterly by a third-party testing laboratory and the average of these eight (8) test results shall not exceed CBOD<sub>5</sub> of 25 mg/l and TSS of 30 mg/l;

(iii) Any ATS not meeting the secondary treatment guidelines above, for any quarterly test, shall be repaired as necessary by the manufacturer and/or installer to bring the unit into compliance with the guidelines;

(iv) Upon successful operation to the above guidelines by five (5) of the same ATS, future installations of the same ATS will not be subject to the testing requirements of subdivision (b)(2).

(c) All ATS must comply with each of the following:

(1) Secondary treatment guidelines, as established by the U. S. Environmental Protection Agency, shall be met. Any failing ATS shall be

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repaired, as necessary, by the manufacturer and/or installer to bring the unit into compliance.

(2) A requirement for perpetual operation and maintenance (O & M) shall be binding on all owners of ATS. This O & M shall be performed by a technician certified by the manufacturer.

(3) Routine O & M shall be performed at three (3) month intervals. All inspection and maintenance results shall be forwarded to the water and wastewater treatment authority (Authority), as provided in Tennessee Code Annotated, Section 68-221-601 through 68-221-618, for review and filing for two (2) years.

(4) The manufacturer shall provide a four-year O & M agreement/contract with the owner of each ATS sold and installed. A copy of each agreement/contract shall be given to the Authority.

(5) The manufacturer and/or the certified technician, within thirty (30) days of any cancellation by an owner of an ATS of an O & M agreement/contract, shall notify the Authority.

(d) Final disposal of the effluent for an ATS shall be approved in accordance with the requirements of "The Regulations to Govern Subsurface Sewage Disposal Systems" as enforced by the department, with the following exceptions:

(1) Where the estimated soil absorption rate, as determined by a soil scientist certified by the department, is sixty (60) minutes per inch or

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lower, the required amount of disposal field for the initial and duplicate areas will be reduced by forty percent (40%).

(2) Where the estimated soil absorption rate, as determined by a soil scientist certified by the department, is sixty-one (61) through seventy-five (75) minutes per inch, the required amount of disposal field for the initial and duplicate areas will be reduced by thirty percent (30%).

(3) Where the estimated soil absorption rate, as determined by a soil scientist certified by the department, is greater than seventy-five (75) minutes per inch, the required amount of disposal field for the initial and duplicate areas will be reduced by twenty percent (20%). Section 68-221-403(c) through (c)(5) shall apply for evaluating soils greater than seventy-five (75) minutes per inch.

(e) The provisions of this section for use of ATS and the O & M requirements for ATS shall be applicable in any city, metropolitan government or county, which has created an Authority. The initial site approval, permit for installation, and the approval, as provided in subsection (b), is the responsibility of the department and no permits for installation shall be issued for ATS in any county which has not established an Authority. Failure to maintain an O & M agreement/contract shall constitute a violation and any violation shall be a Class C misdemeanor. To fulfill its responsibilities, the Authority is granted the free access to property as is granted the department by Section 68-221-405.

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SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it and shall apply only to existing sites given general approval for subsurface sewage disposal pursuant to Tennessee Code Annotated, Title 68-221-405, prior to the effective date of this act.